



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/477,711 | 06/07/95 | HARVEY J | 5634.312 |

LM02/0608

Hunton & Williams
1900 K Street, N.W.
12th Floor
Washington DC 20006-1109

EXAMINER

LUTHER, W

ART UNIT

PAPER NUMBER

2731

23

DATE MAILED: 06/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

See Attached.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

| | | | |
|--------------------|-------------|-----------------------|---------------------|
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|

08/477,711

EXAMINER

ART UNIT

PAPER NUMBER

23

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) William Luther (3) _____
(2) Tom Scott (4) _____

Date of Interview Jun 7, 2000

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: n/a

Identification of prior art discussed:
n/a

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Ex'r requests clarification for when applicants intend to honor their agreement, made approx. 1 1/2 year ago, to consolidate this application (see attachment 3 when, after the ~1/99 agreement, applicants actually acted on the agreement as early as 3/9/99). Ex'r notes that applicants have alleged that the 'agreement to consolidate' corresponds to the process illustrated in attachment 1's step 2 wherein applicants have alleged they would necessarily provide the interview summary corresponding to attachment 2 for meeting attachment 1's step 2. However, applicants have failed, to date, to provide attachment 2 for meeting attachment 1; accordingly, applicants have failed to meet their commitment for providing attachment 2, and their commitment for performing the instant consolidation.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

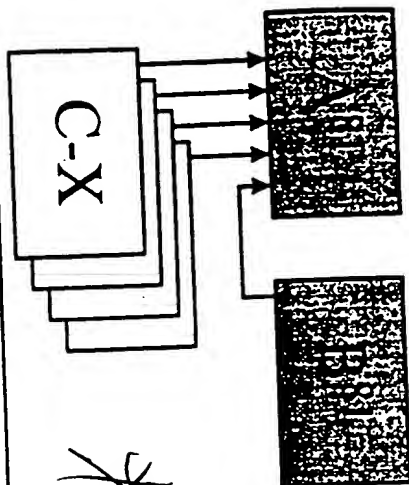
(703) 328-6609

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

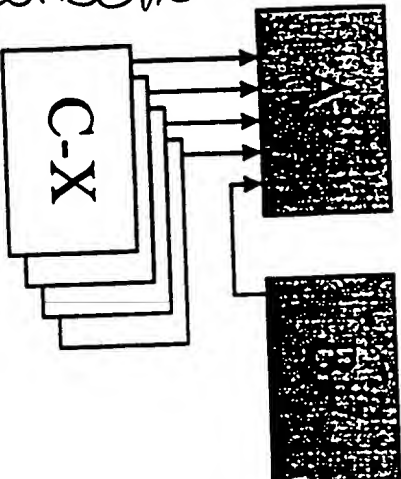
Applicants' allegation of consolidation.

Attachment 1

1981 Effective Filing Date



1987 Effective Filing Date



1. Enter preliminary amendment to A adding: (a) all claims of applications C to X, and (b) all but one claim of application B.
2. Receive from PTO interview summary stating the origin of transferred claims and that all the claims are subject to examination in application A.
3. Expressly abandon applications C to X.
4. Maintain application B as a potential application for any claims not allowed.

Each Group of 52

Applicants propose amendments to claim language

Examiners prepare questions in response

1st Interview of Record

Off-record interviews with applicants and examiners

Any Claims to Appeal?

2d Interview of Record: 1. 112(1&2); 2. Pat. SM; 3. All issues resolved.

2d Interview of Record: Claims at issue moved to application B; cancelled from application A, if any.

Office Action

Allowable claims to Appln. A

Appln. B To Board of Appeals

Officially amend claims in application A and add any undisputed claim from application B.

Expressly abandon application B if no Appeal issues

Issue Application A

Interview Summary Attachment

USPTO Serial No. 08/AAA,AAA
Attorney Docket No. 05634.000A
Filing Date: August 30, 1993
Art Unit: 2737
Examiner: FAILE, A.

Int. Summary that
applicants alleged
they would provide

Applicants hereby present a preliminary amendment to the above-identified application adding the following claim(s) from the following application serial number(s), and hereby expressly abandon the following corresponding application(s) as indicated below:

| Claims | Applications Serial No(s). | Expressly Abandon Application(s) |
|--------|----------------------------|----------------------------------|
| X | 08/XXX,XXX | |
| Y | 08/YYY,YYY | Abandoned |
| Z | 08/ZZZ,ZZZ | Abandoned |
| | | |
| | | |

The preliminary amendment adding the above-identified claims is hereby entered in the above-identified application and examined along with original claims XXX. An action on the merits is to follow.

Date: _____, 1999.

1. This action is in response to ~~7/6/99~~. Remarks that exist for pending claims ~~2-24~~, have been considered but are moot in view of the new ground(s) of rejection.

Overview.

As a preliminary matter, it is understood that applicants and the PTO have agreed to consolidate co-pending applications from ~329 in number to ~78 in number wherein applicants "claim" priority benefit under Section 120 for ~41/78 to 9/11/87 ('87), and ~37/78 to 11/3/81 ('81). However, to date, applicants have failed to complete the consolidation. For example and for illustration, in the group of 37/78, examiner finds consolidation papers for only ~~10~~ 3 of 37.¹

Applicants must understand that their failure, to date, to complete the consolidation has contributed to delay in prosecution, noting that the agreement to consolidate was made over an entire year ago.² Clarification is requested for when applicants intend to carry forth completion of their

¹See Appendix B for examiners count of cases having consolidation papers. It is noted, for ex, that "group" 8 fails to map the claims, and hence is not within consonance of agreement and therefore is recognized as an amendment to an outstanding office action.

²For illustration, it is noted that the co-pending application no. 08/474,964 (see "group" 30 in Appendix B) consolidation was received 3/9/99. Therein, on page 9 (paper 20), applicants allege "In consonance with the agreement...Applicants...join the claims", etc.